

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

FEB 27 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

PAUL DAVID JOHNSON,

Plaintiff-Appellant,

v.

THUDDY, MD., CMO; et al.,

Defendants-Appellees.

No. 23-15167

D.C. No. 4:14-cv-04958-JST
Northern District of California,
Oakland

ORDER

Before: CANBY, M. SMITH, and BRESS, Circuit Judges.

A review of the record demonstrates that this court lacks jurisdiction over this appeal because the January 24, 2023 Clerk's declination of default challenged in the appeal is not a final and appealable post-judgment order. *See* 28 U.S.C. § 1291; *American Ironworks & Erectors, Inc. v. North Am. Constr. Corp.*, 248 F.3d 892, 898 (9th Cir. 2001) (court lacks jurisdiction to review an appeal from a post-judgment order that is a mere ministerial order); *cf. Bird v. Reese*, 875 F.2d 256 (9th Cir. 1989) (order) (order denying a motion for default judgment is not a final appealable order). Consequently, this appeal is dismissed for lack of jurisdiction.

DISMISSED.